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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,089	02/17/2004	Arup Acharya	YOR920040040US1	9901
55450	7590	09/29/2008		
GEORGE A. WILLINGHAN, III			EXAMINER	
AUGUST LAW GROUP, LLC			COBURN, CORBETT B	
P.O. BOX 19080				
BALTIMORE, MD 21284-9080			ART UNIT	PAPER NUMBER
			3714	
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			09/29/2008 PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/780,089

**Applicant(s)**

ACHARYA ET AL.

**Examiner**

Corbett B. Coburn

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-16, 18, 19, 21, 22, 24-29, 31, 32, 34, 35, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) 15 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16, 18, 19, 21, 22, 24-27, 29, 31, 32, 34, 35, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 13, 14, 16, 18, 19, 21, 22, 24-27, 29, 31, 32 & 34, 35, 37 & 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Christofferson et al. (US Patent Number 7,006,616).

**Claims 13, 26:** Christofferson teaches a method for providing simultaneous context based audio interaction among a plurality of participants in a network based gaming environment. Christofferson teaches establishing a network based game environment containing a plurality of game participants (20) and thus identification for these participants. Christofferson maintains a game state profile for each one of the game participants and establishes a plurality of concurrent voice over Internet protocol based audio conferences among the game participants based upon the game state profiles. The game state profile includes at least the participant's location in the virtual environment. (Abstract & Col 1, 37-47) Each audio conference includes two or more game participants having one or more shared game contexts. Every conference must have multiple participants – one cannot confer with oneself. Since the participants are all in the same game, they have at least one shared game context.

Christofferson teaches using the game state profiles to identify a plurality of groups of participant identifications. Fig 8 shows one such group. It also indicates that there is at least one other group that may be joined by clicking the “To Hawaii” area on the screen. Each group has a plurality of participants that have the same shared game context – they are located in the same chat room. This shared context allows audio communications between participants in the group.

Christofferson teaches VOIP conferences that are simultaneous and independent. The conference that is associated with the mountain setting is independent from the simultaneous conference in the Hawaiian setting. Each of the audio conferences is associated with one of the groups of participants.

Christofferson teaches identifying a feature vector (attenuation values) including direction & distance information between pairs of participants & using this information to modify audio signals exchanged between pairs of participants within the audio conference.

**Claims 14, 27:** Christofferson teaches maintaining a game state profile for each participant in a single centralized game server (100).

**Claims 16, 29:** Christofferson teaches establishing a session initiation protocol based voice over Internet protocol based audio conference. (630)

**Claims 18, 19, 31, 32:** Christofferson inherently teaches modifying the group of participants based upon changes in the game state profiles of game participants in the group. If a participant enters or leaves the conference, a member is added or deleted from the group.

**Claim 21, 34:** Christofferson teaches determining a plurality of groups of participants wherein each group of game participants possessing a shared context that permits the transmission or receipt of audio communications among game participants in that group. Furthermore, Christofferson teaches dynamically switching at least one participant between two distinct groups. (Fig 8) Participants may form multiple groups in a chat room and there may be multiple chat rooms. A participant may move from group to group within a chat room or move to an entirely different chat room.

**Claims 22, 35:** Christofferson teaches delivering an audio signal to each audio conference participant that comprises the sum of all received audio signals from all other audio conference participants. (Col 15, 5-10)

**Claims 24, 37:** Christofferson teaches determining an audio feature vector for each pair of audio conference participants based upon the game state profiles associated with the participants and modifying audio signals transmitted between the pair of audio conference participants in accordance with the audio feature vector. Christofferson teaches that the sound heard depends on the position of the various participants.

**Claims 25, 38:** Christofferson teaches changing the sound based on changes in relative position. (Col 3, 43-47) This is modifying the audio feature vector in response to changes in the game state profiles of the audio conference participants.

#### ***Response to Arguments***

3. Applicant's arguments filed 16 August 2008 have been fully considered but they are not persuasive. The arguments are based on the amended claims & are answered in the rejection above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/  
Primary Examiner  
Art Unit 3714